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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,906	08/21/2003	Yungtaek Jang	36977-190011	6439
26694	7590	05/27/2005	EXAMINER	
VENABLE LLP			RILEY, SHAWN	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	

2838

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/644,906

Applicant(s)

JANG ET AL.

Examiner

Shawn Riley

Art Unit

2838

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 4 and 17-23.
Claim(s) rejected: 1-3, 5-16, 24 and 25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
13. ☐ Other: _____

**SHAWN RILEY
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: To clarify the record, the following is noted:

1) applicants state:

As clearly stated in paragraph 36 [emphasis added], fourth line from the bottom of page 11 of the specification, the alternating energy source isolates primary transformer TR from the switches and provides the needed energy for achieving ZVS. Accordingly, in response to the First Office Action, Claim 1 was amended to qualify the required "alternating energy source" as one that "isolates the at least one power transformer from said one or more controllable switching devices." It was argued that the claimed invention is distinguished over Kammiller because the disclosed inductor (14) and capacitor (16) do not constitute an alternating energy source that isolates the primary transformer TR.

Explanation:

Applicants response to the non-final office action directed the examiner to paragraph 35-not paragraph 36 as implied. (see applicants remarks, at page 10, of 15 feb 2005). The examiner did his best to reply to the question being asked.

2) applicants state:

The Final Action states that "nowhere what applicant state repeated in paragraph 35, i.e., an isolated transformer TR."

Explanation:

That is not surprising since applicant referenced the examiner to the wrong paragraph.

3) applicants state:

The applicants are at a loss as to what is meant by "isolated transformer." Although the exemplary embodiment of the invention uses a transformer as the alternating energy source that [to] isolates the primary transformer TR from the switches, the phrase "isolated transformer" does not appear as a limitation in any of the claims. [emphasis added]

Explanation:

The examiner can not explain the applicants loss at understanding what an "isolated transformer" means but can simply explain the following. When something is used to create something else it is common to use a short hand term. The invention uses a first transformer to isolate a second transformer - couldn't the second transformer be considered an isolated transformer? Again, the examiner was trying to be responsive to the applicant who misdirected the examiner to a different paragraph then the applicant based (and continues to base) their arguments on.

4) applicants state;

The Final Action highlights a statement in paragraph 35 [again this is based on applicants direction-see above] of the specification regarding "an isolated phase shift controlled full bridge converter creates conditions for achieving ZVS. . . ." and argues that "the full bridge converter is operated as a ZVS device and is isolated in the same manner as Kimiller." However, the claim require [sic] isolation of the primary transformer TR from the switches. [emphasis added]. No such isolation is disclosed in the Kimmiller.

Explanation;

The isolation occurs based on the resonating function of the 14 and 16 and as described in at least figures 3a-3b which show how nodes d vis a vis node b function out of synch to create an isolation in the same type of manner as applicants claimed invention.

5) applicants state;

Even assuming that inductor (14) and capacitor (16) comprise an alternating energy source, there is no isolation between such source and the disclosed power transformer. [emphasis added.]

Explanation;

This is a spurious argument.

The actual wording of the claim states:

at least one alternating energy source that isolates the at least one power transformer from said one or more controllable switching devices. [emphasis added.]

The source isolates the transformer from the switching devices, the claim says nothing about an isolated source, (or if this is not clear there is no isolation claimed between the source and the transformer).

6) applicants state;

As sated [sic] in response to the previous Action, Kammiller discloses a full-bridge phase displaced resonant transition circuit having a center-tap placed on the power transformer primary winding. The center-tap is connected to the inductor (14) at one end with another end of the inductor connected to a large capacitor (16). It is respectfully submitted that the inductor (14) and capacitor (16) of Kammiller do not constitute an alternating energy source that isolates the primary transformer TR.

Explanation;

Kammiller does constitute an ac source that isolates the primary transformer TR, as described at number section 3 herein, for at least the reasons described therein.

For at least the above reasons, this advisory has been generated.